



Economic Impact Analysis Virginia Department of Planning and Budget

6 VAC 35-160 – Department (Board) of Juvenile Justice Regulations Governing Juvenile Record Information and the Virginia Juvenile Justice Information System September 12, 2002

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The proposed regulations will establish rules for the Juvenile Information System. Almost all of the proposed rules and procedures are the same as the ones currently followed in practice. The two proposed changes that will differ from current practices are providing authority to the Department of Juvenile Justice (the department) to audit, monitor, and inspect facilities, equipment, software, systems, or procedures used by the entities participating in the juvenile information system and providing authority to participating agencies to charge a fee for search and copying expenses when individuals or non-participating agencies require access to juvenile information.

Estimated Economic Impact

These regulations will establish rules for the Juvenile Justice Information System. The Juvenile Information System was initiated in 1993 and implemented in 1996. Since its inception, it has been growing with respect to the types of information it collects, maintains, and provides,

the types of tasks it executes, and the number of users it serves. Currently, it contains information on about 1,700 data items. There are 17 modules in the system and 7 more are planned to be implemented. These modules records many types of personal and demographic information collected at intake, admissions to and releases from juvenile correctional centers and detention homes. They also contain information on programs enrolled, the courts, interviews, assessments, etc. The system further exchanges information with other agencies including the Supreme Court, court service units, insurance companies, correctional centers, and detention homes, and generates standard reports, forms, and documents. For example, at intake, 223 data elements including name, address, contacts, demographics, and the type of charge are collected. Petitions, detention orders, and child support documents are automatically generated and printed. The system may be accessed at 8 juvenile correctional centers, 23 detention homes, and about 130 other court service unit locations. About 1,900 to 2,000 users may simultaneously access the system through 1,800 connected personal computers. Because of the personal and confidential nature of the data and potential for abuse and misuse by criminals, access to information is restricted. This is primarily accomplished by assigning “roles” to each user and by multiple passwords in addition to other security measures. For example, most commonly used security measures are those that the user would have to enter the juvenile’s state case number and would gain access only to the records associated with that case number, and only while the juvenile was actually in the care of, or under the supervision of, or receiving services from, the user. In short, the system contains, maintains, and provides information on juveniles from their first contact with the department until their release under a secure protocol.

The main goal of the system is to improve efficiency in accessing consolidated data, sharing data with other entities, and generating standard reports, documents, and forms. According to the department, the system reduces paperwork significantly and improves employee productivity. It allows fast access to available information, which may be critical to juveniles’ health and safety while under state or local care. Statewide access to the system allows identification and tracking of juveniles more efficiently and in a timely manner, which may help prevent further delinquent actions by juveniles who are wanted and improve public safety. It allows retrieval of information to identify trends or to do research, which may be helpful in determining what is needed and in using available resources efficiently. It improves efficiency at participating agencies, for instance, by eliminating repetitive entry of the

information into another database. It improves efficiency further by automatically generating and printing standard reports, documents, and forms.

The department indicates that system maintenance and development costs the Commonwealth about \$3 million per year. An additional \$1 million is obtained from federal grants annually. The maintenance and development costs include costs associated with personnel including system analysts, programmers, support personnel, hardware including servers, personal computers, printers, software including programs, databases, and telecommunications such as phone lines. In addition to these system costs, there are costs associated with providing access or information to other entities that are not part of the department. These entities are listed in §16.1-300 of the Code of Virginia and include court service units, detention homes, juveniles themselves, parents, legal custodians, attorneys, judges, probation officers, entities treating or providing services to youth pursuant to a contract with the department, and entities having a legitimate interest in the case. The costs associated with sharing information include administrative costs such as assigning passwords and the costs associated with providing security, copying records, and staff time required to assess whether the requester has the right to access the information and whether the department has a legal basis for withholding any information. In general, the department absorbs these costs associated with sharing information, though some portion of it comes from federal grants.

Currently, collection, dissemination, and sharing of juvenile justice information are done based on an inter-departmental policy. Almost all of the proposed requirements are currently followed in practice and are not likely to introduce any additional costs to the department or other related entities. However, establishing regulatory rules for the juvenile justice information system will likely be beneficial. One of the main benefits is improving the clarity of the procedures followed in practice. These include stating the administrative and technical requirements that have to be fulfilled by participating agencies for access to data, the type of data that can be accessed, the application procedure for sharing information, the procedures for entering and expunging information from the database, delineation of participating agency responsibilities and serving as a repository for other relevant information such as definitions, statutory authority, and applicability of the proposed rules. Also, the proposed regulations may produce other benefits due to information aspect of the proposed rules. The entities that wish to share information will be provided necessary information about the rules they have to follow.

Finally, some other benefits may be in terms of reducing the chance of establishing erroneous requirements and reducing the department's liability. During the regulatory review process many entities including public and participating agencies will be provided the opportunity to review the proposed rules and make comments. This is expected to produce some additional benefits when compared to implementation of these rules under a department policy without regulations.

There are two aspects of the proposed requirements that depart from the current practice and may have some economic effects. The proposed rules will provide authority to the department to audit, monitor, and inspect facilities, equipment, software, systems, or procedures used by the participating entities. These audits may be conducted on a random basis or may be prompted by specific events. Participating agencies include the department or any court service unit, detention home, group home or emergency shelter; or any public agency, child welfare agency, private organization, facility or person who is treating or providing services to a child pursuant to a contract with the department or pursuant to the Virginia Juvenile Community Crime Control Act (VJCCCA) and approved by the department to have direct access to juvenile records. Entities currently "on line" include court service units and detention homes, as well as the juvenile correctional centers and group homes. Some service providers in VJCCCA programs are able to enter information about juveniles, but do not otherwise have access to the juvenile's records. The proposed authority for the audit will likely help the department determine if the requirements are complied which may include determination of whether the information is accurate and complete, whether data is disseminated properly, and whether security measures are in place. The department plans to conduct periodic audits on a random sample of participating agencies, which may amount to as few as one or two audits annually, and plans to conduct investigate audits whenever needed. The costs to the department are expected to be in terms of costs associated with the auditor's time and travel expenses.

Second, the proposed regulations will provide authority to participating agencies to charge a fee for search and copying expenses when individuals or non-participating agencies with a legitimate interest in the case as allowed under the statute, request access to juvenile information. The individual who is the subject of the records, his parents, guardians and attorney, health care and mental health professionals treating the subject individual, and others who have a legitimate interest in the juvenile's case may request information. The participating

agencies will have discretion in determining the amount of the fee they may charge to requestors. The amount of information requested may be small or very large. The department believes that the amount of the fee would likely be commensurate with the size of costs associated with the amount of staff time required to assemble the documents and to assess whether there is a basis for withholding information from parents or guardians, the actual cost of copying as well as the staff time required to do the copying. This search and copying fee is expected to help the participating agencies cover their costs, but also introduce costs to the requestors for access to data. If the fee is too high, this may discourage some requestors from making requests for juvenile information that may be useful for them. Thus, it may be useful for the department to reserve the right to assess the appropriateness of the fee asked by a participating agency to make sure that the fee is commensurate with the associated costs as a cost containment measure.

Businesses and Entities Affected

The proposed regulations may affect all participating agencies, which include 8 juvenile correctional centers, 23 detention homes, and about 130 court service unit offices and juveniles, their families, and their representatives such as attorneys. According to the department, the number of juveniles that are entered into the system during fiscal year 2002 is 45,010.

Localities Particularly Affected

The proposed regulations will apply throughout the Commonwealth.

Projected Impact on Employment

It is likely that the proposed authority for department to conduct audits may increase the department's need for staff by a small amount.

Effects on the Use and Value of Private Property

It is unlikely that the changes that will occur due to the proposed regulations will have a significant effect on the use and value of private property.